

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00101-MR-WCM**

HOWARD JEROME FOSTER,

Plaintiff,

vs.

**ASHEVILLE BUNCOMBE
COMMUNITY CHRISTIAN MINISTRY,
ANDRE ARRINGTON, FNU ALVAREZ,
and TIM McELYEA,**

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte*.

The Plaintiff, proceeding *pro se*, filed this action on April 14, 2023, asserting claims of employment discrimination. [Doc. 1]. He also filed an application to proceed without the prepayment of fees and costs. [Doc. 2]. On April 24, 2023, the Court entered an Order denying the Plaintiff's application and directing him to file an amended application on the appropriate form. [Doc. 3]. The Court also gave the Plaintiff thirty (30) days to file an amended complaint and specifically advised that the failure to file an amended complaint within the time provided would result in the dismissal of this action without prejudice. [Id.].

On May 25, 2023, the Plaintiff filed a motion, asking for an additional sixty (60) days to file both an amended application and amended complaint. [Doc. 4]. The Court entered an Order on May 30, 2023, granting the Plaintiff's motion in part, granting the Plaintiff a 30-day extension of the deadline, until June 23, 2023, to file an amended application and amended complaint. The Plaintiff was specifically warned that "[a]bsent a showing of extraordinary circumstances, no further extensions of this deadline will be allowed." [Doc. 5 at 2].

On June 20, 2023, the Plaintiff requested another extension of time to file his amended application and amended complaint, citing his inability to obtain legal counsel. [Doc. 6]. In an Order entered July 5, 2023, the Court allowed the Plaintiff one final 30-day extension to file his amended application and amended complaint. [Doc. 7]. The Court specifically warned the Plaintiff that the failure to file an amended application or to amend the Complaint within the time limit set by the Court would result in a dismissal without prejudice and without further notice to the Plaintiff. [Id.].


More than 30 days have now passed, and the Plaintiff has failed to file an amended application or to amend the Complaint as required. Accordingly, the Plaintiff's Complaint will be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that the Plaintiff's Complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is respectfully directed to terminate this civil action.

IT IS SO ORDERED.

Signed: August 9, 2023



Martin Reidinger
Chief United States District Judge

